

**BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH**  
**MINUTES OF PUBLIC MEETING**  
**COMMISSION CHAMBERS, ROOM 1400**  
**OF THE UTAH COUNTY ADMINISTRATION BUILDING**  
**September 2, 2014 - 9:00 A.M.**

**PRESENT:** COMMISSIONER GARY J. ANDERSON, CHAIR  
COMMISSIONER LARRY A. ELLERTSON, VICE-CHAIR  
COMMISSIONER DOUG WITNEY

**ALSO PRESENT:**

Jeffrey R. Buhman, Utah County Attorney  
E. Kent Sundberg, Civil Division Chief Attorney  
David Shawcroft, Utah County Deputy Attorney  
Robert J. Moore, Utah County Deputy Attorney  
Paul Jones, Utah County Deputy Attorney  
Bryan E. Thompson, Utah County Clerk/Auditor  
Scott C. Hogensen, Chief Deputy Clerk/Auditor  
Keven Ewell, Utah County Assessor's Office  
Clarissa Reeve, Utah County Assessor's Office  
Jim Stevens, Utah County Assessor's Office  
Peggy Kelsey, Community Development  
Brandon Larsen, Community Development  
Joshua K. Ivie, Community Development  
Dr. Joseph K. Miner, Health Department Exec. Director  
Robert Johnson, Drug & Alcohol Prevention & Treatment

Lana Jensen, Utah County Personnel Director  
Richard Nielson, Utah County Public Works Director  
Don Nay, Utah County Public Works Assoc. Director  
Ken Bringhurst, Public Works Department  
Aaron Eagar, Public Works Department  
Jeff Smith, Utah County Recorder  
Andrea Allen, Utah County Recorder's Office  
James O. Tracy, Utah County Sheriff  
Dalene Higgins, Utah County Sheriff's Office  
Robert C. Kirk, Utah County Treasurer  
Kevin Buteillio, Ames Construction Inc.  
Larry Ballard, Utah County Resident  
David Johnson, -No further information given-  
Mike Stansfield, Fairways Media  
Renée Huggins-Caron, Clerk/Auditor Admin. Assist.

Commissioner Anderson called the meeting to order at 9:01 A.M. and welcomed those present.

**PRAYER/READING/THOUGHT:** Doug Witney, Utah County Commissioner

**PLEDGE OF ALLEGIANCE:** Larry A. Ellertson, Utah County Commissioner

The Board momentarily recessed to assemble as The Board of Equalization of Utah County from 9:03 A.M. to 9:06 A.M., and then as the Municipal Building Authority of Utah County from 9:06 A.M. to 9:09 A.M. The Utah County Board of Commissioners reconvened at 9:09 A.M., and the commissioners moved forward with the following matters:

**CONSENT AGENDA**

- 1. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON THE STATE OF UTAH DEPARTMENT OF HUMAN SERVICES CONFLICT OF INTEREST FORM REQUIRED FOR THE ELECTRONIC HEALTH RECORD APPROPRIATIONS**
- 2. RATIFY THE SIGNATURE OF THE COMMISSION CHAIR ON A LETTER TO IN GEO SYSTEMS, INC. FOR THE TERMINATION OF AGREEMENT NO. 2011-640**
- 3. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AMENDMENT TO AGREEMENT NO. 2012-871 WITH SUMMIT ENERGY, LLC.**

Commissioner Witney pointed out the rates are not established within the amendment, and Commissioner Ellertson explained the main change of moving from a Questar index to another company. Commissioner Ellertson asked about the impact on the county, and Utah County Clerk/Auditor Bryan E. Thompson questioned whether the rate change has already occurred. Utah County Public Works Associate Director Don Nay clarified that the rates went into use a couple

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of months ago, and the county is being billed at the new rate. Utah County Deputy Attorney Paul Jones came forward and explained that the previous rates were based on an index that has been discontinued. While Summit Energy informed the county that these numbers are the most comparable, it has not been confirmed by the county. Commissioner Ellertson suggested a one-time payment be made for the current bill so that the balance does not become overdue; meanwhile, this item should be continued for one week until more information has been gathered.

CONTINUED TO SEPTEMBER 9, 2014

\*Please refer to the final page of these minutes for additional notations.

4. **APPROVE OR DENY A REQUEST FROM THE ROTARY CLUB OF AMERICAN FORK TO WAIVE THE REQUIREMENTS OF SECTION 1.6.A OF THE UTAH COUNTY FACILITY USE POLICY AND ALLOW THEM TO PLACE TEMPORARY SIGNS ON COUNTY MAINTAINED PROPERTIES AT THE TRAILHEADS OF THE MURDOCK CANAL TRAIL TO ADVERTISE THE 7TH ANNUAL TOUR DE DONUT BIKE RACE WHICH WILL BE HELD ON SEPTEMBER 27, 2014**

5. **APPROVE AND ACCEPT A QUIT CLAIM DEED FROM JORDAN WILLOWS HOMEOWNERS ASSOCIATION, INC. FOR A LOT LINE ADJUSTMENT BETWEEN COUNTY-OWNED PARCEL NO. 58:028:007 AND LOT 606, PLAT "N," JORDAN WILLOWS SUBDIVISION**

Commissioners Witney and Ellertson asked about the location and access of this area, and Utah County Public Works Director Richard Nielson answered from the audience. Mr. Nielson explained that the Jordan Willows Homeowners Association is transferring ownership of a twenty-foot piece of ground between a county trail and a road to the county so that it can be open to the public. Utah County will be responsible for maintenance of the area.

6. **APPROVE (OR DENY) THE VACATION OF JOHNSON FARMS SUBDIVISION, PLAT "A" AND THE CREATION OF JOHNSON FARMS SUBDIVISION, PLAT "B," SUBJECT TO THE CONDITIONS STATED IN THE STAFF REPORT**

Brandon Larsen of the Utah County Community Development Office explained that this is an inheritance issue, and will likely remain as agricultural use.

7. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60310, DATED AUGUST 27, 2014**

8. **ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO THE UTAH COUNTY SHERIFF'S OFFICE AND THE UTAH COUNTY HEALTH DEPARTMENT**

9. **APPROVE THE MINUTES OF THE AUGUST 5, 2014 COMMISSION MEETING**

10. **APPROVE THE MINUTES OF THE AUGUST 12, 2014 COMMISSION MEETING**

11. **RATIFICATION OF WARRANT REGISTER SUMMARY**

Register No. 830	August 25, 2014	Bond Wires:301-301	Total: \$	225,341.59
Register No. 831	August 25, 2014	Direct Deposit:20101-20103	Total: \$	355.80
Register No. 832	August 25, 2014	Purchasing Cards 2803-2805	Total: \$	11,062.89
Register No. 833	August 25, 2014	Check Nos. 198244-198284	Total: \$	1,061,650.14
Register No. 834	August 25, 2014	Direct Deposit:20104-20117	Total: \$	13,701.22
Register No. 835	August 25, 2014	Check Nos. 198285-198310	Total: \$	60,142.79
Register No. 836	August 26, 2014	Direct Deposit:20118-20118	Total: \$	11,000.00
Register No. 837	August 26, 2014	Purchasing Cards 2806-2838	Total: \$	6,171.07
Register No. 838	August 26, 2014	Purchasing Cards 2839-2871	Total: \$	28,461.13
Register No. 839	August 26, 2014	Check Nos. 198311-198321	Total: \$	79,355.64

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Register No. 840	August 27, 2014	Direct Deposit:20119-20171	Total: \$	16,545.23
Register No. 841	August 27, 2014	Check Nos. 198322-198331	Total: \$	7,079.42
Register No. 842	August 27, 2014	Check Nos. 198332-198337	Total: \$	3,625.00
Register No. 843	August 27, 2014	Direct Deposit:20172-20176	Total: \$	13,549.82
Register No. 844	August 27, 2014	Check Nos. 198338-198351	Total: \$	105,809.22
Register No. 845	August 27, 2014	Purchasing Cards 2872-2874	Total: \$	26,800.93
Register No. 846	August 27, 2014	Check Nos. 198352-198364	Total: \$	89,101.69
<b>Total:</b>				<b><u>\$1,759,753.58</u></b>

Consent Agenda Item Nos. 1, 2, and 4 through 11 were approved as written. Commissioner Anderson recommended the following Regular Agenda items be moved to Consent:

2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH MELVIN R. HUDMAN FOR SERVICES RELATED TO THE 2014 UTAH COUNTY FAIR**
3. **DECLARE THE CANON IR2016I COPIER LOCATED IN THE MOSQUITO ABATEMENT DEPARTMENT AS SURPLUS, AND AUTHORIZE THE DISPOSITION THEREOF AS A TRADE-IN OF \$743.00 TOWARDS A NEW COPIER FROM RICOH FOR THAT SAME DEPARTMENT**
4. **APPROVE PARTIAL RELEASE OF COMPLIANCE AGREEMENT AND BOND FOR OPEN PIT MINING OPERATIONS (AGREEMENT NO. 2012-745) WITH AMES CONSTRUCTION, INC. AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE RELEASE LETTER FOR RECLAMATION ON PORTIONS OF PARCEL NOS. 28:020:0008 AND 28:020:0009; ORIGINAL SURETY BOND NO. 105798598 AMOUNT OF \$484,268.22 MAY BE REDUCED TO \$42,110.28 *(Continued from the March 25 and April 8, 2014 Commission meetings)***
5. **APPROVE OR DENY AN ORDINANCE TO AMEND 1) THE LAND USE ELEMENT DESIGNATION, ASSOCIATED WITH THE 2006 UTAH COUNTY GENERAL PLAN, OF TAX PARCEL NO. 45:398:0005 FROM "AGRICULTURAL/WATERSHED" TO "RESIDENTIAL" AND 2) THE ZONING DESIGNATION, ASSOCIATED WITH THE UTAH COUNTY ZONE MAP, OF TAX PARCEL NO. 45:398:0005, FROM THE RESIDENTIAL AGRICULTURAL (RA-5) ZONE TO THE RURAL RESIDENTIAL (RR-5) ZONE, SECTIONS 19 & 20, T9S, R2E, SPRING LAKE AND PAYSON AREAS**

The Board suggested this item be stricken from the agenda.

STRICKEN

6. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AMENDMENT NO. 1 TO AGREEMENT NO. 2014-328 (STATE GRANT 142482) WITH THE UTAH DEPARTMENT OF HEALTH TO FUND THE LOCAL HEALTH DEPARTMENT ENVIRONMENTAL SERVICES, UTAH INDOOR CLEAN AIR PROGRAM, AND THE SUMMER FOOD PROGRAM**
7. **ACCEPT AMENDMENT NO. 6 TO AGREEMENT NO. 2012-441 (STATE CONTRACT 122419) WITH THE UTAH DEPARTMENT OF HUMAN SERVICES FOR FUNDING ALLOCATIONS OF \$4,187,070.00 FOR SFY 2015; COUNTY MATCH \$280,544.00 *(Continued from the August 26, 2014 Commission meeting)***
8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE BLM APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS ON FEDERAL LANDS FOR THE KNOLLS SOUTH ROAD, PROVIDING ACCESS TO UTAH LAKE**

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9. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN THE MEMORANDUM OF UNDERSTANDING WITH BLM, SITLA, UTAH STATE PARKS, US FOREST SERVICE, TOOELE COUNTY, JUAB COUNTY, AND UTAH COUNTY FOR THE PROSPECTOR OHV TRAIL COMPLEX
10. ADOPT AN ORDINANCE AMENDING THE UTAH COUNTY GOVERNMENT FEE SCHEDULE ADOPTED IN BOOK FORM BY SECTION 2-1-6 OF THE UTAH COUNTY CODE
12. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$10,000.00 TO BIG BROTHERS BIG SISTERS UTAH FOR A SCHOOL-BASED MENTORING PROGRAM - GROVECREST
13. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$75,000.00 TO HABITAT FOR HUMANITY OF UTAH COUNTY FOR THE CRITICAL HOME REPAIR PROJECT
14. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$150,000.00 TO THE HOUSING AUTHORITY OF UTAH COUNTY FOR THE PACIFIC DRIVE APARTMENTS PROJECT
15. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A MOUNTAINLAND ASSOCIATION OF GOVERNMENTS UTAH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT AWARD OF UP TO \$10,000.00 TO ROCKY MOUNTAIN UNIVERSITY OF HEALTH PROFESSIONS FOUNDATION FOR THE CHARITY CARE REHAB CLINIC PROJECT

**ACTIONS TAKEN**

Consent Agenda Item Nos. 1, 2 and 11 were ratified; No. 3 was continued to the September 9, 2014 meeting of the Board; Nos. 4, 5, 6, 7, 9 and 10 were approved; and No. 8 was adopted. Regular Agenda Item Nos. 2, 6, 8, 9, and 12 through 15 were approved and authorized; No. 3 was declared as surplus; Nos. 4 and 7 were approved; No. 5 was stricken from the agenda; and No. 10 was adopted.

AGREEMENT NOS.: 2014-584, 2014-585, 2014-586, 2014-587, 2014-588, 2014-589, 2014-590, 2014-591, 2014-592, 2014-593, 2014-594, 2014-595, 2014-596, 2014-597, 2014-598, 2014-599 and 2014-600  
RESOLUTION NO.: 2014-94  
ORDINANCE NO.: 2014-9

**REGULAR AGENDA**

1. RECOGNITION OF THE UTAH COUNTY EMPLOYEE OF THE MONTH FOR SEPTEMBER 2014  
Aaron Eagar of Utah County Public Works Department was recognized as Employee of the Month for September 2014.
11. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH SANTAQUIN CITY FOR CRIME VICTIM SERVICES

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When Commissioner Witney noted Utah County is taking on additional work by contracting with Santaquin City, Utah County Sheriff James O. Tracy explained the city is utilizing county services because they do not have their own Crime Victim Services office. Commissioner Anderson asked whether the county would need to hire more employees for the work, and Commissioner Ellertson asked whether this agreement could jeopardize federal grant monies; Sheriff Tracy responded no to both questions.

**Commissioner Witney the motion to approve and authorize the agreement with Santaquin City for crime victim services as detailed in Regular Agenda Item No. 11. The motion was seconded by Commissioner Ellertson and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None**

AGREEMENT NO. 2014-601

**16. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN AN AGREEMENT WITH THE STATE OF UTAH DEPARTMENT OF AGRICULTURE FOR PREDATOR CONTROL**

Utah County Civil Division Chief Deputy Attorney E. Kent Sundberg clarified for Commissioner Ellertson that a match of \$5,500.00 is required from the county in order to receive funds from the state.

**Commissioner Ellertson made the motion to approve and authorize the agreement with the State of Utah Department of Agriculture for predator control as outlined in Regular Agenda Item No. 16. The motion was seconded by Commissioner Witney and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney  
NAY: None**

AGREEMENT NO. 2014-602

The commissioners determined it would not be necessary to hold any closed meetings.

**17. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS**

STRICKEN

**18. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION**

STRICKEN

**19. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY**

STRICKEN

**20. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY**

STRICKEN

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**21. SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS COMMERCIAL INFORMATION AS DEFINED IN SECTION 59-1-404, U.C.A., AS AMENDED**  
**STRICKEN**

Commissioner Witney made the motion to strike Regular Agenda Item Nos. 17 through 21 to set dates, times and locations for closed meetings for a strategy session to discuss the character, professional competence, or physical or mental health of an individual or individuals; to discuss pending or reasonably imminent litigation purchase, exchange, or lease of real property; and to discuss commercial information as defined in Section 59-1-404, U.C.A., as amended. The motion was seconded by Commissioner Ellertson and carried with the following vote:

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney**  
**NAY: None**

**WORK SESSION**

NO WORK SESSION ITEMS WERE SUBMITTED

**PUBLIC COMMENTS**

Commissioner Anderson greeted Utah County Association of Realtors President Bill Freeze, present in the audience today. Commissioner Anderson also mentioned the "Herman's Hermits starring Peter Noone" concert that had taken place the previous evening at the Scera Shell Outdoor Theatre in Orem; Commissioner Ellertson was in attendance with his wife and won a \$1,000 gift certificate to Bassett Furniture at the event.

This concluded the public comment portion of the open meeting.

**Commissioner Ellertson made the motion to adjourn the September 2, 2014 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Witney and carried with the following vote:**

**AYE: Gary J. Anderson  
Larry A. Ellertson  
Doug Witney**  
**NAY: None**

There being no further business nor public comment, the meeting adjourned at 9:34 A.M. The minutes of the September 2, 2014 Commission meeting were approved as transcribed on September 16, 2014.

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GARY J. ANDERSON, Commission Chair

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ATTEST:

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BRYAN E. THOMPSON  
Utah County Clerk/Auditor

**\*Consent Agenda Item No. 3:**

The commissioners approved a one-time payment to Summit Energy, LLC. in order to satisfy a current bill using the terms of the proposed amendment, but voted unanimously to continue discussion to the September 9, 2014 meeting of the Board.